

**VERMONT STATE BOARD OF EDUCATION**  
**Montpelier Room, Capitol Plaza Conference Center, 100 State Street, Montpelier**  
**January 19, 2010**

*The State Board and Department of Education provide support and leadership  
in the transformation of the Vermont education system in order to give each learner the opportunity to  
succeed in the 21st century.*

**Approved MINUTES\***

**Present**

**Board Members: Fayneese Miller, Chair; Don Collins; Judy Livingston; John Hall; Ruth Stokes, Vice Chair; Kathy Larsen, Vice Chair; Robert Kelley; Alex Melville; Brian Vachon**

**DOE: Commissioner Armando Vilaseca (left at 10 a.m.; back at 11 a.m.); Deputy Commissioner Rae Ann Knopf; Jill Remick; Mark Oettinger; Carol King; Noel Bryant; Bart Devon; Riva Dumont; Deb Quackenbush; Karin Edwards; Susan Marks; Barbara Crippen; John Harvey**

**Other:**

**Legislators – Linda Waite-Simpson, Gary Gilbert, Peg Flory, Peter Peltz, Bobby Starr, Anne Mook, Jane Kitchel, Randy Brock, John Zenie, Peter Perley, Frank Geier, Chuck Pearce**

**Ken Page, VPA; John Nelson, VSBA; Jeff Francis, VSA; Martha Allen, VTNEA; Daniel Michelson, ACT; Retta Dunlap; Rick Hilton, Lyndon Institute; Martha Tucker, Superintendent; Peter Herman; Tom Slayton; Brian Howe; Michael Livingston; Daren Houck; Julie Hansen**

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The current month's meeting agenda and packet materials may be accessed electronically at:  
<http://education.vermont.gov/new/html/board/schedule.html#packet>

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***Legislative Breakfast***

State Board members hosted a breakfast for members of the House and Senate Education Committees and other legislators prior to the Board's monthly meeting. The discussion focused on the Transformation of Education and the recently released Education Transformation Policy Commission report, *Opportunity to Learn*.

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**Preliminaries**

**Item A: Call to Order, Pledge of Allegiance**

Fayneese Miller, Chair, called the meeting to order at 9:50 a.m. and led the group in the Pledge of Allegiance.

**Item B: Roll Call and Introductions**

Board members introduced themselves, as did members of the audience.

**Item C: Announcements, Board Member Updates**

Kathy Larsen reported on her observation of a "Quantum Leap" program.

Chair Miller reported that she had been elected as an at-large member to the American Association of Colleges for Teacher Education (AACTE) Board of Directors.

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**Public to be Heard:**

Rick Hilton, Lyndon Institute Headmaster and President of the Vermont Association of Independent Schools, spoke to the Board about the role independent schools play in Vermont education, noting that there are 11,333 students attending independent schools.

Jeff Francis of the Vermont Superintendents Association spoke to the Board about the Public Strategies Group *Challenges to Change* report released by the Governor and Legislative leaders, in December. He noted specifically the section on administrative costs, and encouraged careful analysis of how those administrative costs were derived.

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**Item D: Work Session** (facilitated by Rae Ann Knopf)

**Policy Commission Report** – The Board discussed the *Opportunities to Learn* document, accepting it into the record knowing that they would be able to or interested in implementing parts of the recommendation. Clarifications:

- John Hall asked for clarity on the learning expectations regarding ungraded practices.
- Kathy Larsen expressed concern about the capacity of the DOE and the field.
- Chair Miller expressed concerned about the need for structure for students to succeed, so when making changes that benefit one group of students, do not do harm to another group of students.

**Motion:** Brian Vachon moved, seconded by John Hall, to accept the report, *Opportunities to Learn* submitted by the Education Transformation Policy Commission. The motion passed unanimously (8-0).

Regarding governance, Stokes reminded the Board that regardless of the size of districts, the entire premise of the document is the focus on a student-centered system with better outcomes for students and that needs to be the guidance used for making decisions. Dollars to be saved would be a by-product, not the goal. Miller iterated that it is not up the Board to spend time on the cost issue, but rather what is the right thing to do for students.

Livingston asked what power the Board has to enact these changes. Oettinger said, regarding governance, they can regroup districts but governance lines are up to the Legislature. He explained the governance bill, S. 252, introduced by Senator Robert Hartwell, which proposes to give authority to the Commissioner to redraw 16 education district lines. Stokes recommended a commission be formed, as outlined by the Policy Commission. Knopf cautioned that the Legislature may act on this during this session and therefore the time to provide input is now. Larsen proposed that the next meeting include understanding of all the related legislation but also the governance proposals from the associations.

Several Board members expressed a desire to appoint a governance commission. Miller agreed but also noted that the Board needs to have a position because Legislators and others are already asking questions.

Mike Livingston, from Sharon Academy asked about the Board's position on inviting independent schools into the conversation.

Commission member Retta Dunlap said that the report is not about the word "consolidation" or about closing schools, but is about taking several districts into one, so it is redistricting, not consolidation. She clarified that the Hartwell bill doesn't say what the districts would be; it passes the decision back to the commissioner, so it is not incompatible.

Ken Page, VPA Executive Director, noted that he was a part of the Waterbury/Duxbury consolidation of districts. He cautioned the Board to be sure that principals don't take on the superintendent responsibility as principals need to support their staff and be involved with students.

John Nelson, VSBA Executive Director, commented that the commission did a great job but the redistricting piece raises a lot of questions. His constituents know a lot about what communities think about redistricting and have learned a lot. He questioned who gets to make the decision and if there is a way to incentivize it rather than just have the Legislature or the Board decide.

Martha Tucker, Policy Commission member, noted that the redistricting concept is a means to increase opportunities for learning for all students, including multiple high schools in a district, access to technical education, etc.

Board member Judy Livingston commented that the redistricting concept needs to have some of the details (voting of multi-town districts, school choice, etc.) worked out for the Legislature so they can be well-informed on those details, otherwise it could fail as have ones in the past. She also noted that any proposed bill would have to go through several committees.

Chair Miller reiterated that the Board has had several forums, starting back in 2006, to involve as many stakeholders as possible, and that students need to be the focus. She also noted that the policy commission's make-up was of some people with extraordinary qualifications who did a lot of work, and as a Board it was time to act.

**Motion:** Vachon moved to state that the Board's support of the principles that would underlie any proposed language, as found on page 62 of the report regarding the reasons for governance structure change, and would appoint a redistricting commission. (Support redistricting that would incorporate the four principles, and addendum on page 66 that the Board create a redistricting commission as soon as possible).

As amended by Stokes, seconded by Melville, Vachon's motion was for the Board's position to be in support of creating education districts, each governed by a single board, large enough to incorporate the four principles on page 62 of the policy commission report, as well as the recommendation on page 66 to create a redistricting commission as soon as possible. The four principles (on page 62) are that the districts are large enough:

- To expand choice and learning opportunities for learners;
- To expand capacity for critical functions such as professional development, coordination of curriculum, instruction and assessment;
- To increase flexibility for use of staff and facilities;
- To strengthen coherent implementation of education transformation.

The recommendation (on page 66) reads: “the State Board of Education shall appoint an education redistricting commission with at least one member of the policy commission to solicit stakeholder input on the commission’s recommendation and affirm or adjust the recommendation.” Livingston said a legislator should serve on the commission.

Vilaseca cautioned that the language was too broad, and that the Legislature will be doing something on this topic this session. He suggested using more specific language such as the size of districts. Dunlap noted the districts have to be large enough to provide the choice and opportunities outlined in the report, so that would include at least one technical center and hopefully access to higher education as well.

The Board briefly discussed refining the language over the lunch break and coming back to the meeting after lunch with more specific language for the Board to consider. However, Chair Miller urged the Board to continue discussion.

A member of the audience asked if the Board has accepted the report, or approved it.

Larsen suggested incorporating the language “fewer” districts into the motion.

Restating Vachon’s motion, as amended by Stokes, seconded by Melville: The Board’s position is in support of creating fewer education districts, each governed by a single board, large enough to incorporate the four principles on page 62 of the policy commission report, as well as the recommendation on page 66 to create an education redistricting commission as soon as possible. The motion passed 7-1 (Vachon).

***The final motion reads:*** “That the State Board of Education support the creation of fewer education districts, each governed by a single board, which are large enough to incorporate the following four principles:

- To expand choice and learning opportunities for learners;
- To expand capacity for critical functions, such as professional development, coordination of curriculum, instruction and assessment, and other administrative functions;
- To increase flexibility for use of staff and facilities;
- To strengthen coherent implementation of education transformation.

In addition, the State Board shall appoint, as soon as possible, an education redistricting commission to solicit stakeholder input on the commission’s recommendation and affirm or adjust the recommendation.”

The recommended make up of the board-appointed commission should include at least one legislator from each body (house and senate), at least one policy commission member, not more than 6-7 people, representation from independent schools, one State Board member, the field, non-voting facilitator from the department. The commission needs to contact all stakeholders. Final recommendation for the makeup of the commission:

SBE – two  
Policy Commission – two  
Education Field – two  
Legislature – two (one from each chamber)  
Independent Schools – one  
Non-voting facilitator from the DOE – one

Board members were asked to send recommendations for commission membership to Chair Miller as soon as possible. Vilaseca noted that the choice parameters that public schools need to be held to also need to apply to independent schools as well.

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At 12:17 p.m., the Board recessed for lunch.

The Board reconvened at 1:05 p.m.

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## **Action Items**

### **Item E: Consent Agenda**

**Motion:** Don Collins moved, seconded by John Hall, to approve the consent agenda, with comment. Kathy Larsen noted a change on page four of the December 15, 2009 minutes – Vaughn Altemus was included in the executive session (not Susan Marks).

#### **1. Minutes of December 15, 2009 SBE Meeting**

#### **2. Independent School Approvals**

Initial general and special education independent school approval:

The Zone, Barre, VT - ages 11-22

Renewal of general independent kindergarten approval:

Mary Johnson Children's Center, Middlebury, VT - kindergarten

Acknowledgement of NEAS&C's accreditation continuation:

Green Mountain Valley School, Waitsfield, VT - grades 7-12

Acknowledgement of independent school closing:

Hull Crest School, Winooski, VT

#### **3. Post Secondary Approval**

- a. Request for Extension (to complete accreditation review): Vermont College of Fine Arts, Inc.
- b. Certificate of Degree-Granting Authority (three years): Nichols College (to award the following academic degrees: Master in Business Administration (MBA) and Master in Organizational Leadership (MOL))

The motion passed 7-0.

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### **Item F: Final FY 11 Budget Priorities/FY 11 Budget Book** (Armando Vilaseca, Bill Talbott, Rae Ann Knopf)

Chief Financial Officer and Deputy Commissioner Bill Talbott walked the Board through the FY2011 Budget Recommendations. It is estimated that the overall education spending will go up by 2 percent. This estimate does not include the ARRA federal funds. Rae Ann Knopf, Deputy Commissioner for Transformation and Innovation, explained to the Board the changes in the organizational structure of the department to align to a statewide system of school support.

**Motion:** Ruth Stokes moved, seconded by Don Collins, to adopt the FY 2011 Department of Education budget proposal as submitted. The motion passed unanimously (8-0).

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## **Discussion Items**

### **Item G: Proposed Revisions to Special Education Rules (Karin Edwards, Susan Marks)**

Karin Edwards and Susan Marks presented the Board with the proposed revisions to special education rules. The purpose of this round of revisions is closer alignment with the federal language, a general reorganization of the rules, and responds to public comments. It is anticipated that the Board will vote on the final proposed rules at its February 16, 2010 meeting.

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### **Item H: Review of Harassment Law and DOE Role (Mark Oettinger, Barbara Crippen, John Harvey)**

Mark Oettinger, Barbara Crippen, and John Harvey of the department were joined by Curtiss Reed of the Vermont Partnership for Fairness and Diversity and Rob Appel of the Vermont Human Rights Commission to speak with the Board about the role of the department in harassment in schools. Each individual explained their organization's role in the harassment of students in school. Appel expressed frustration that the department has minimal or no enforcement authority. He also noted that some schools may continue to misunderstand the difference between bullying and harassment. Reed noted his comments at the December meeting were directed at superintendents and their application of the law, not at the department. He said the challenge is getting school personnel on the same page as the department, the HRC and VPFD. The Board asked about the differences between bullying and harassment, the requirements for training, and what the requirements are for teacher preparation programs.

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## **Concluding and Adjournment**

### **Item I: Future Agendas, Wrap Up and Adjourn (Board members, Armando Vilaseca, Carol King)**

King reviewed the list of items for the February meeting, including continued discussion of the Policy Commission Report, a discussion on the Race to the Top application, a brief presentation by the New England Secondary School Consortium, continued work on the Strategic Plan and department reorganization.

**Motion:** At 1:50 p.m., Alex Melville moved, seconded by Ruth Stokes, to adjourn the January 19, 2010 meeting of the State Board of Education. The motion passed unanimously (8-0). Following adjournment, some Board members went to the State House to hear Gov. Douglas' FY 2011 budget message.

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### **Item J: Written Reports Attached**

- 2009 Report on High/Low Spending Districts (Karin Edwards; J. Douglas Dows; Margaret Schelley)
- December 2009 SBE Summary

Minutes recorded by Jill Remick  
Minutes prepared by Carol King